

STATE OF MICHIGAN  
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT  
INGHAM COUNTY

COMMISSIONER OF INSURANCE  
FOR THE STATE OF MICHIGAN,

Petitioner,

File No. 98-88265-CR

v

Hon. James R. Giddings

MICHIGAN HEALTH MAINTENANCE  
ORGANIZATION PLANS, INC., a  
Michigan health maintenance organization,  
doing business as OmniCare Health Plan

A.G. No. 1998053333A

Respondent.

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AMY M. SITNER (P46900)  
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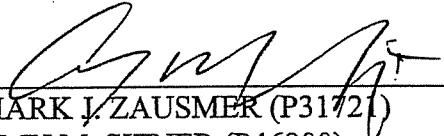
PETITION FOR ORDER SETTING BRIEFING SCHEDULE  
AND ESTABLISHING NOTICE PROCEDURE  
WITH RESPECT TO THE ISSUE OF  
THE PRIORITY OF CLAIMS IN THE LIQUIDATION

Linda A. Watters, Commissioner of the Michigan Offices of Financial and Insurance Services ("OFIS"), in her capacity as Liquidator of Michigan Health Maintenance Organization Plans, Inc., formerly known as OmniCare Health Plan ("MHMO"), asks the court to enter an order, substantively similar to the proposed order attached to the accompanying brief, setting a schedule for briefing and oral argument on the issue of the priority of various claims in the estate of MHMO. In support of this Petition, the Liquidator

relies on the arguments in and attachments to the accompanying brief in support.

Respectfully submitted,

ZAUSMER, KAUFMAN, AUGUST & CALDWELL, P.C.



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Dated: April 14, 2005

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BRIEF IN SUPPORT OF  
PETITION FOR ORDER SETTING BRIEFING SCHEDULE  
AND ESTABLISHING NOTICE PROCEDURE  
WITH RESPECT TO THE ISSUE OF  
THE PRIORITY OF CLAIMS IN THE LIQUIDATION

A legal question has been raised related to the liquidation of Michigan HMO Plans, Inc., f/k/a OmniCare ("MHMO") as to the appropriate priority for payment of medical provider claims under section 42 of Chapter 81, MCL 500.8142. The Liquidator anticipates that providers will assert that their claims should be assigned Class 2 status, while general creditors are expected to maintain that provider claims should be treated as Class 5 claims. The Liquidator is aware of other possible disputes about claims priorities. In the interest of

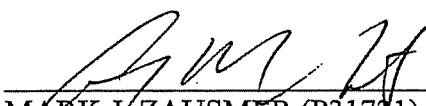
resolving these issues expeditiously and in a manner that is cost-effective for MHMO and the Court, the Liquidator asks the Court to enter an Order setting a briefing and hearing schedule, which can be served on all interested parties. A proposed Order providing for such a schedule, and the related notice procedure, is attached for the Court's review. The Liquidator suggests that the following schedule would be appropriate, subject to the Court's discretion and scheduling constraints:

Hearing date:	July 13, 2005
Date for interested parties to file briefs:	June 10, 2005
Date for Liquidator to file response brief:	July 1, 2005
Deadline for service of Order and posting on OFIS web site :	April 29, 2005

WHEREFORE the Liquidator asks the Court to enter the accompanying Order, with dates inserted by the Court.

Respectfully submitted,

ZAUSMER, KAUFMAN, AUGUST & CALDWELL, P.C.

  
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